

ORDINANCE NO. 295

**AN ORDINANCE OF THE CITY OF TIOGA, GRAYSON COUNTY, TEXAS, ESTABLISHING REGULATIONS FOR THE USE OF CARGO OR SHIPPING CONTAINERS WITHIN THE CITY LIMITS OF THE CITY OF TIOGA; REQUIRING A PERMIT FOR THE PLACEMENT OF SUCH CONTAINERS; PROVIDING STANDARDS FOR USE AND DEVELOPMENT OF STORAGE CONTAINERS; PROVIDING A FINE FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Cargo or Shipping Containers are becoming more common additions to cities and towns as homeowners and businesses acquire those containers as accessory buildings; and

**WHEREAS**, cargo or shipping containers have a useful and valid purpose when properly used and situated; and

**WHEREAS**, the improper use and location of cargo or shipping containers can be unsightly, dangerous and inappropriate so as to affect property values and the overall health, safety and welfare of the City of Tioga; and

**WHEREAS**, the City of Tioga desires to regulate and accommodate the proper use of cargo or shipping containers in order to protect the health, safety and welfare of the City of Tioga;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS:**

**SECTION ONE.**

**DEFINITIONS**

- a) Shipping or Cargo or Storage Container: means, generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.
- b) Active building permit: means an unexpired and unrevoked building permit for which the Building Inspector has not performed a final inspection.
- c) Applicant: means an owner, occupant or authorized agent, or a contractor or person with control of a property or lot.
- d) City: means City of Tioga, Texas.

## **SECTION TWO.**

### **TEMPORARY CARGO CONTAINER USE**

- a) No person shall store, maintain or otherwise keep a cargo or shipping container temporarily on any lot or parcel of property within the City of Tioga without first having obtained and possessing an active building permit issued by the City of Tioga, and a permit for placement of a cargo/shipping container.
  - 1) Permits are valid for a period not to exceed six months.
  - 2) Upon review of a request for an extension; the City may grant one (1) six month extension.
- b) Cargo/Shipping Containers must abide by building codes except that: (1) a foundation is not required since they are temporary structures; (2) ventilation is not required; (3) electricity is an option but not required; (4) tie-downs are not required unless electricity is installed; (5) Setbacks are to be at least 15 feet from any other structure including other cargo/shipping containers.
- c) Cargo/Shipping Containers may be installed only in the Light Commercial, and General Commercial Zoning Districts, and in Residential Districts only with the following restrictions:
  - 1) Cargo/Shipping Containers cannot be installed on any Residential site with less than 1.0 acre (or 43560 sq.ft.)
  - 2) Only one Cargo/Shipping Container per 1 acre of land.
  - 3) No Cargo/Shipping Containers can be stacked on top of one another or on top of any other object.
  - 4) Cargo/Shipping Containers must be behind or beside the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure.
  - 5) Cargo/Shipping Containers must have opaque screening such as fencing or vegetation screening of equal height to the Container to screen the container from the street right of way or adjacent properties.
  - 6) No Cargo container shall be used for human habitation or commercial business purposes.
  - 7) No Cargo Container shall be used to store hazardous materials.
  - 8) No Cargo Container shall be used to store and keep refuse or debris in, against, on or under the cargo container.
  - 9) Any Cargo Container shall be secure, structurally sound, stable and in good repair.

## **SECTION FOUR.**

### **GENERAL TERMS OF USE FOR TEMPORARY USE**

- a) Any permit issued under this Ordinance may be revoked upon ten (10) days written notice to the owner, occupant or person in control of the



- property if such person is storing, maintaining, or otherwise keeping a cargo container in violation of this ordinance.
- b) Any person aggrieved by a decision of the City to revoke a permit may appeal to the City Council, whose decision shall be final.

**SECTION FIVE.**                      **REPEALER**

All provisions of ordinances of the City of Tioga in conflict with the provisions of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION SIX.**                      **SEVERABILITY**

If any article, paragraph, subdivision clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so deemed to be invalid or unconstitutional.

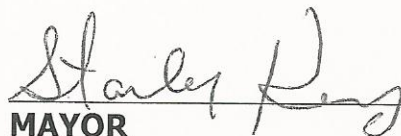
**SECTION SEVEN.**                      **VIOLATIONS AND PENALTIES**

Any person, firm or corporation violating any of the provisions of this ordinance of the City of Tioga, Texas, or amendments thereto, shall be guilty of a misdemeanor and, upon conviction in the municipal court of the City of Tioga, Texas, shall be subject to a fine not to exceed the sum of Five Hundred (\$500.00) dollars for each offense, and each and every day such offense shall continue shall be deemed a separate offense.

**SECTION EIGHT.**                      **EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after the publication of its caption as provided by law.

**PASSED AND APPROVED** by the City Council of the City of Tioga, Texas on the 10<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
**MAYOR**

**ATTEST:**   
\_\_\_\_\_  
**CITY SECRETARY**